

**THE BOARD OF ZONING APPEALS
OF THE CITY OF ALEXANDRIA**

BZA CASE#2010-0010

FINDINGS OF FACT AND CONCLUSION

June 10, 2010

This matter brought before the Board of Zoning Appeals for hearing on June 10, 2010 on appeal by James and Christine Garner, owners of 122 Prince Street, from the Director of Planning and Zoning's decision. The Director of Planning and Zoning determined that a required side yard setback cannot include an alley.

At the conclusion of the public hearing the Board of Zoning Appeals members voted to deny the appeal and uphold the decision of the Director of Planning and Zoning based on the following findings of facts and conclusions:

- (1) The Director of Planning and Zoning acted reasonably in her decision.
- (2) The practice of applying side yard setbacks from alleys has been consistently applied.
- (3) There is no language in the zoning ordinance that permits setbacks to include side alleys. There is language that permits setbacks to include a rear alley.
- (4) Ownership of the alley is not germane.

For the reasons set forth above the Director of Planning and Zoning's decision was upheld.

Nothing in these findings and conclusions shall act to prevent either party from pursuing its rights before this Board in the future proceedings.